

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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NATIONAL CREDIT UNION ADMINISTRATION :  
BOARD, as liquidating agent for the Punjab & Sindh :  
Federal Credit Union, :

Plaintiff, :

-against- :

MOHINDER SINGH SINDHU, :

Defendant :

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VITALIANO, D.J. X

MEMORANDUM AND ORDER

07-CV-1261 (ENV)(SMG)

Plaintiff, the National Credit Union Administration Board, filed this action against defendant Mohinder Singh Sindhu for payments due under a promissory note he had executed. After defendant failed to respond, plaintiff filed a motion for a default judgment. On June 16, 2008, the motion was referred to Chief Magistrate Judge Stephen M. Gold for a Report and Recommendation. The day following receipt of the referral, Judge Gold set a briefing schedule for plaintiff's motion, ordering plaintiff to submit at least a memorandum of law detailing the basis for plaintiff's damages claims by July 15, 2008. In addition, Judge Gold ordered that plaintiff re-file his complaint, which was originally filed without a critical third page. As of yet, more than two months after that deadline, plaintiff has still not complied with Judge Gold's order. Thus, even if otherwise entitled to a default judgment against defendant, plaintiff has failed to press his claim, despite being ordered to do so by Judge Gold.

As a result, on August 11, 2008, Judge Gold issued a Report and Recommendation recommending that the case be dismissed due to plaintiff's abandonment of its

case. No objection to Judge Gold's Report and Recommendation has been filed at all, let alone in a timely fashion.

In reviewing a Report and Recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Moreover, in order to accept a magistrate judge's Report and Recommendation where no timely objection has been made, the "court need only satisfy itself that there is no clear error on the face of the record." Urena v. New York, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (quoting Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)).

After careful review of the entire record below, the Court finds Chief Magistrate Judge Gold's Report and Recommendation as to the appropriate disposition of this action to be correct, comprehensive, well-reasoned, and free of any clear error. The Court, therefore, adopts the Report and Recommendation in its entirety as the opinion of the Court. In line with it, this action is dismissed.

The Clerk of the Court is directed to close this case.

SO ORDERED.

Dated: Brooklyn, New York  
September 30, 2008

s/ENV

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ERIC N. VITALIANO  
United States District Judge